

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DJEBY SIDIBE,

Plaintiff,

07 Civ. 6028 (SAS)

-against-

SCHEDULING ORDER

THE CITY OF NEW YORK, NEW YORK
CITY POLICE DEPARTMENT and P.O.
FRANK GALIA,

Defendants.
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WHEREAS, the Court issued an Order for a Conference, in accordance with Rule 16(b) of the Federal Rules of Civil Procedure, on July 11th and 18th, 2007 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed Scheduling Order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the Conference and the appearances for the parties:
 - November 7, 2007 at 4:30 P.M.
 - Plaintiff by Thomas P. Grunfeld, Esq.
 - Defendant City of New York and P.O. Frank Galia by Anna Nguyen, Esq.
- (2) a concise statement of the issues as they then appear:

Plaintiff contends that he was pulled over by P.O. Galia without probable cause or reasonable belief, that he was verbally abused and physically assaulted by P.O. Galia, that P.O. Galia thereafter issued two (2) summonses to Plaintiff, one of which (returnable in the Criminal Court) was prepared after the fact and mailed to Plaintiff, that said summonses falsely accused Plaintiff of failing to yield to pedestrians and failing to comply with a lawful order, that P.O. Galia thereafter failed to file a legally acceptable accusatory instrument with the Court, and that Plaintiff was then prosecuted on both summonses in the Manhattan Traffic Violations Bureau and found not guilty on each, all in violation of Plaintiff's constitutional and statutory civil rights. Plaintiff also contends that the City was negligent in hiring, training and retaining P.O. Galia and in engaging in a course of conduct that encouraged the use of excessive force by its police officers in violation of his civil rights.

Defendants deny that Plaintiff was maliciously prosecuted or subjected to excessive

force, assault and battery.

(3) a schedule including:

(a) the names of person(s) to be deposed and a schedule of planned depositions:

Plaintiff intends to take the depositions of the defendant P.O. Frank Galia; Richard Osmer, the Civilian Complaint Review Board ("CCRB") Team Manager who supervised the CCRB investigation; Rita Bobe-Saleh, the CCRB Investigator, and the eyewitness, Amy Fairfax. Plaintiff reserves the right to depose additional persons should any be identified during the course of discovery. Plaintiff proposes to complete the depositions within ninety (90) days after receipt of all documents requested from the defendants and CCRB.

Defendants anticipate deposing Plaintiff Djeby Sidibe, as well as any witnesses to the incident alleged in the Complaint. Additional depositions may be needed as discovery continues.

(b) a schedule for the production of documents:

The parties will each serve demands for production of documents by November 30, 2007 and will respond pursuant to the applicable Federal Rules of Civil Procedure.

© dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed:

At the present time, the parties do not anticipate any expert discovery in this action. They do, however, reserve the right to designate experts and engage in expert discovery in accordance with the Rules should the need arise.

(d) time when discovery is to be completed: MARCH
May 30, 2008.

(e) the date by which Plaintiff will supply his pre-trial order matters to defendant:
July 30, 2008

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and proposed voir dire questions and proposed jury instructions: August 29, 2008

(g) a space for a date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the court at the conference: April 14 at 4:30

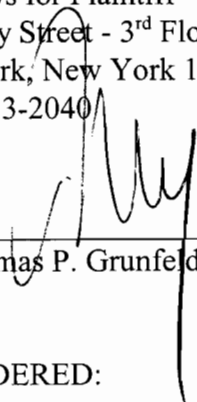
(4) a statement of any limitation to be placed on discovery, including any protective or confidentiality orders: none known at this time

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement: none known at this time

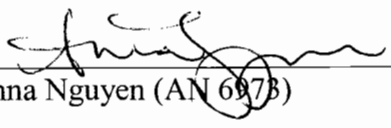
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- (6) anticipated fields of expert testimony, if any: **none anticipated**
- (7) anticipated length of trial: **4 to 6 days by jury**
- (8) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.
- (9) names, addresses, phone numbers and signatures of counsel:

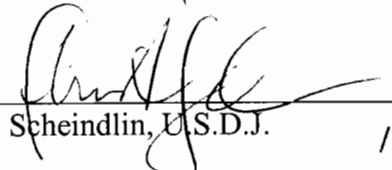
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By: 
Anna Nguyen (AN 6973)

SO ORDERED:


Shira A. Scheindlin, U.S.D.J.

11/7/07